

**STATE HUMAN RIGHTS COMMITTEE  
MEETING MINUTES**

Mount Rogers MH & MR Board  
Smyth/Wythe Meeting Rooms  
770 West Ridge Road  
Wytheville, Virginia 24382  
Friday, June 3, 2005

**ADMINISTRATIVE MEETING**

**8:00 a.m.**

**COMMITTEE MEMBERS PRESENT:**

Michael Marsh, Vice-Chairperson  
Angela Brosnan  
Barbara Jenkins  
Carmen Thompson  
Bobby Tuck  
Kirby Wright

**HUMAN RIGHTS STAFF PRESENT:**

Margaret S. Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Nancy C. Neese, Regional Human Rights Advocate, Region III  
Sonia Smith, Human Rights Advocate, Catawba Hospital and the Roanoke Valley  
BJ McKnight, Facility Human Rights Advocate, SWVTC  
Deborah Jones, Facility Human Rights Advocate, SWVMHI

Dr. R. Michael Marsh, vice-chairperson, opened the June 3, 2005 SHRC meeting.

Nancy C. Neese, Regional Human Rights Advocate, Region III, provided a brief overview of the programs in Region III. She reminded the SHRC that Sonia Smith, Human Rights Advocate for Catawba Hospital, has accepted responsibility for programs in the Roanoke Valley, which covers a great number of the region's private psychiatric beds. Ms. Neese commended Ms. Smith for her exemplary work in advocating for consumers in southwest Virginia.

Ms. Neese welcomed the SHRC to Wytheville, Virginia, and thanked the committee for holding the meeting in the far southwest. She extended her gratitude to BJ McKnight, Facility Human Rights Advocate for Southwest Virginia Training Center, and Deborah Jones, Facility Human Rights Advocate for Southwest Virginia Mental Health Institute, for their work protecting the rights of consumers.

Carmen Thompson remarked that the newsletter sub-committee will report on its activities when Davey Zellmer returns.

The Facility discharge report was provided to the committee for review. Dr. Michael Marsh commented on the large number of patients at Eastern State Hospital who have been waiting for discharge. Margaret Walsh, State Human Rights Director, stated that many of the patients who are on ready-for-discharge status have issues which make community placement difficult.

Barbara Jenkins would like an explanation for every individual's delay in placement, even those in DMHMRSAS training centers. BJ McKnight, Facility Human Rights Advocate for Southwestern Virginia Training Center stated that there are issues which must be considered when reviewing the ready-for-discharge lists. Some MR clients are placed on the list when the family is ready for the client to be discharged, but placement is delayed because the family is not happy with the placement options available. These clients stay on the list by choice in order to be eligible for other placement. Sonia Smith stated that some clients are very satisfied with their current placement in state operated facilities. Deborah Jones, Facility Human Rights Advocate for Southwestern Virginia Mental Health Institute, stated that some families do not want alternate placement because they are happy with the quality of care at the state facility, and they are unsure of making a change. Ms. McKnight said that some families are unwilling to move clients because if they are not happy with alternate placement it is very difficult to move them back into the state facility.

Margaret Walsh reported that, during the July 15, 2005, meeting in Manassas, the SHRC will review Commissioner Reinhard's follow-up on maintaining youth in community programs as they move into the status of adulthood.

Dr. Michael Marsh presented his proposed revised LHRC reappointment application form. He emphasized the importance of putting meaningful information on the form. Occupation and experience should always be written out, even if the applicant is retired. Dr. Marsh asked SHRC members and staff of the human rights office to give him feedback on the proposed revision before the agenda deadline for the July meeting. Barbara Jenkins suggested asking applicants what issues or

stumbling blocks they experienced while on the committee, and whether they received adequate training while serving their last term.

Margaret Walsh provided an update on the finalization of the SHRC Annual Report. Delores Archer plans to present the SHRC 2004 annual report to the State MHMRSAS Board on June 16.

**The motion was made and unanimously passed to approve the 2004 SHRC Annual Report as amended.**

Barbara Jenkins stated that she attended an LHRC meeting in Region I and she questions whether the LHRC members were adequately familiar with the human rights regulations.

Barbara Jenkins nominated Joyce Bozeman, Davey Zellmer and Delores Archer to a sub-committee that will address the SHRC goal of exploring the feasibility of a recognition award. Dr. Marsh named Delores Archer as chair of the sub-committee. The sub-committee should consider the purpose of this goal and revise the statement of this goal on the tracking sheet to more clearly explain its purpose. The goal should be clarified by the end of the year.

**The motion was made and passed with one abstention to recommend the State MHMRSAS Board reappoint Carmen Thompson to the State Human Rights Committee.**

**The motion was made and unanimously passed to recommend the State MHMRSAS Board reappoint Davey Zellmer to the State Human Rights Committee.**

**The motion was made and unanimously passed to require programs to send updated variance statements to the central office, and updated policies to the advocate within 2 weeks of receipt of variance approval letters. These updates are the modifications which result from SHRC recommended changes. If no changes are recommended, no update is required. A statement of this requirement is to be included in the variance approval letter.**

### **REGULAR MEETING**

**10:15 a.m.**

### **COMMITTEE MEMBERS PRESENT**

Michael Marsh, Vice-Chair

Angela Brosnan  
Barbara Jenkins  
Carmen Thompson  
Bobby Tuck  
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**HUMAN RIGHTS STAFF PRESENT**

Margaret S. Walsh, State Human Rights Director  
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Sonia Smith, Human Rights Advocate, Catawba Hospital and the Roanoke Valley  
BJ McKnight, Facility Human Rights Advocate, SWVTC  
Deborah Jones, Facility Human Rights Advocate, SWVMHI

**OTHERS PRESENT:**

Lisa Moore, Executive Director of Mount Rogers Community Mental Health and  
Mental Retardation Board  
Beverly Mountain, Chair, Mount Rogers Community Services LHRC  
Deborah Lynne Black, Mount Rogers Community Services LHRC  
Denise Grego, Mount Rogers Community Services LHRC  
Judy Willis, Mount Rogers Community Services LHRC  
John R. McClane, Mount Rogers Community Services LHRC  
Chris Bird, Mount Rogers Community Services LHRC  
Cynthia Tabor, Mount Rogers Community Services LHRC  
Kat McClinton, Director, NRVCS s New Life Recovery  
Eddie Blair, Director of Residential Substance Abuse Services, Blue Ridge Behavioral  
Healthcare  
Betty Bingham, Manager of Consumer Affairs, Blue Ridge Behavioral Healthcare  
Jane Peay, Director of Substance Abuse Services, Cumberland Mountain  
Community Services (CMCS)  
Franklin Horton, Quality Assurance Manager, Cumberland Mountain Community  
Services  
Lloyd Sheets, Director, CMCS The Laurels  
CC Murphy, Executive Director, Virginia Center for Behavioral Rehabilitation  
Cheryl Crawford, Administrative Services Coordinator, VCBR

**CALL TO ORDER:**

The June 3, 2005, meeting of the State Human Rights Committee was called to order by Dr. Michael Marsh, Ph.D., Vice-Chair. Dr. Marsh lead committee members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves.

Dr. Marsh thanked Lisa Moore, Executive Director of Mount Rogers Community Mental Health and Mental Retardation Board, for coming to the meeting and for inviting the State Human Rights Committee to her facility. Dr. Marsh expressed regrets for the recent passing of former Executive Directive E. Wally Cline, Jr.

Ms. Lisa Moore thanked the SHRC for coming to Wytheville to hold the meeting at Mount Rogers, and introduced members of the Mount Rogers Local Human Rights Committee. She thanked Ms. Nancy C. Neese for her passionate work on behalf of the consumers in southwest Virginia, and extended her welcome to all present for the meeting.

#### **MINUTES:**

The minutes of the April 22, 2005 State Human Rights Committee meeting were unanimously approved as circulated.

#### **VARIANCES:**

##### **New River Valley Community Services (NRVCS) New Life Recovery**

Nancy C. Neese, Regional Human Rights Advocate for Region III, introduced Kat McClinton, Director of NRVCS's New Life Recovery, a residential substance abuse service in Radford, Virginia. Mrs. McClinton gave an overview of the program and responded to the committee's questions relative to the specific policy and procedure proposed as a substitute to the regulatory requirements. Ms. Neese reminded the Committee that variances were granted previously in 2003 and 2004.

Mrs. Kat McClinton is requesting a variance to 12 VAC 35-115-50, Dignity, C7 and C8, and the corresponding paragraphs E 4 b & c, and 5. This variance allows the program to restrict access to telephones and visitation in accordance with policy and procedure, and allows state certified clinical staff at the level of physician or licensed clinical psychologist to implement individual restrictions.

**The motion was made and passed with one abstention to approve New River Valley Community Services New Life Recovery program's request for variance to 12 VAC 35-115-50, Dignity, C7 and C8, and the corresponding paragraphs E 4 b & c, and 5. This approval is granted until such time as the human rights regulation is revised. New Life Recovery must submit an annual report to the SHRC regarding the effectiveness of the practice which shall include a description of any problems with the implementation of the variance, complaints about the variance from individuals, family members or staff; and a statement or rationale for the continued**

**need of the variance.**

Blue Ridge Behavioral Healthcare    Hegira House and Shenandoah Recovery Center

Nancy C. Neese, Regional Advocate, introduced Eddie Blair, Director of BRBH Residential Substance Abuse Services, and Betty Bingham, Manager of Consumer Affairs. Mr. Blair provided an overview of the programs and described the specific practices employed as substitute to the regulatory requirements. Ms. Neese reminded the SHRC that variances previously were granted in 2002, 2003, and 2004 and stated that the programs have successfully reduced the time period for the initial restriction in 2004.

The programs are requesting variance to 12 VAC 35-115-50, Dignity, C7 and C8, and the corresponding paragraphs E 4 b & c, and 5. This variance allows BRBH s Hegira House and Shenandoah Recovery Center to restrict access to telephones and visitation in accordance with policy and procedure, and allows state certified clinical staff at the level of physician or licensed clinical psychologist to implement individual restrictions.

**The motion was made and passed with two abstentions to approve Blue Ridge Behavioral Healthcare s request for variance to 12 VAC 35-115-50, Dignity, C7 and C8, and the corresponding paragraphs E 4 b & c, and 5 for Hegira House and Shenandoah Recovery Center with the following modification to Shenandoah Recovery Center s policies:**

- 1.     Telephone Access Policy, delete the second sentence of paragraph 6; and**
- 2.     Visitation Policy, delete the second sentence of paragraph 8.**

**This approval is granted until such time the human rights regulation is revised. Blue Ridge Behavioral Healthcare must submit an annual report to the SHRC regarding the effectiveness of the variance which shall include a description of any problems with the implementation of the variance, complaints about the variance from individuals, family members or staff; and a statement or rationale for the continued need of the variance.**

Cumberland Mountain Community Services    The Laurels Alcohol and Drug Treatment Program

Nancy C. Neese, Regional Advocate, introduced Jane Peay, Director of CMCS Substance Abuse Services, Franklin Horton, Quality Assurance Manager, CMCS, and Lloyd Sheets, Director of the Laurels. Mr. Horton provided an overview of this service including information concerning the changes the providers have

experienced in the population served and the severity of drug abuse and addiction.

The program is requesting a variance to 12 VAC 35-115-50, Dignity, C7 and C8, and the corresponding paragraphs E 4 b & c, and 5. This variance allows the program to restrict access to telephones and visitation in accordance with policy and procedure, and allows state certified clinical staff at the level of physician or licensed clinical psychologist to implement individual restrictions.

**The motion was made and passed with one abstention to approve Cumberland Mountain Community Services Laurels Alcohol and Drug Treatment Program s request for variance to 12 VAC 35-115-50, Dignity, C7 and C8, and the corresponding paragraphs E 4 b & c, and 5. This approval is granted until such time the human rights regulation is revised or for a period of two (2) years, which ever is sooner. The program must submit an annual report to the SHRC regarding the effectiveness of the practice which shall include a description of any problems with the implementation of the variance, complaints about the variance from individuals, family members or staff; and a statement or rationale for the continued need of the variance.**

**Bylaws:**

**Catawba Hospital**

In behalf of the Catawba Local Human Rights Committee, Sonia Smith, Human Rights Advocate, presented the proposed revision of the LHRC s Bylaws. The LHRC requests the addition of language to allow for providing temporary (six months) affiliation with a program so that services are not delayed to consumers when a licensee is without affiliation.

There was discussion relative to the LHRC s inclusion of the term temporary affiliation . The SHRC is concerned that Catawba Hospital may not be adhering to the regulatory requirement to provide adequate administrative support to the Catawba Local Human Rights Committee.

**The motion was made and passed with one abstention that the SHRC commends the Catawba LHRC for its willingness to grant affiliation, but the Committee cannot recognize the temporary status ; there fore the Bylaws are approved with the following modifications:**

- 1. Delete the word temporary from Article II, N.;**
- 2. Add a health care provider to Article III, Composition; and**
- 3. Add unless there is a conflict of interest to Article V, E.**

**The SHRC encourages Catawba LHRC to accept additional affiliates rather than allow any consumer to go without services**

**The SHRC will send a letter to all facilities, community services boards, and behavioral healthcare authorities requesting that they describe how they are complying with 12 VAC 35-115-250, A11, Responsibilities and Duties, in providing administrative support to LHRCs. Programs and facilities will be asked to respond to this request within two months of receiving the letter.**



## **POLICIES:**

### **Virginia Center for Behavioral Rehabilitation**

The SHRC accepted for the record the April 2005 Monthly Advocate Report and a Level 3 Appeal Response for VCBR.

Cheryl Crawford, Administrative Services Coordinator, and CC Murphy, Executive Director, Virginia Center for Behavioral Rehabilitation, attended the June 3, 2005 SHRC meeting via tele-conference while the committee reviewed policies for VCBR.

#### **1) Policy 224 - Legally Authorized Representatives**

Barbara Jenkins asked that the procedure for assigning Power of Attorney in lieu of an LAR be stated in the policy. Bobby Tuck asked that gender- neutral language be incorporated throughout the document.

**The motion was made and unanimously passed to approve Policy 224, Legally Authorized Representatives, with the recommended modifications. VCBR is asked to submit the updated policy to Anne Stiles, Human Rights Advocate, within 2 weeks from notice of the SHRC s decision.**

#### **2) Policy 901 - Resident Transportation**

#### **3) Policy 202 - Searches of Person and Property**

Margaret Walsh explained the changes made to these policies, which were made as a result of a level 3 complaint.

**A motion was made and unanimously passed to approve VCBR policies 901 Resident Transportation and 202 Searches of Person and Property with the following modifications:**

**Remove for educational purposes .**

**Employ gender-neutral language throughout the documents.**

## **LHRC MEMBERSHIP:**

**The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code § 2.2-3711 for the purpose of considering appointments to, and removals from, Local Human Rights Committees.**

Upon reconvening in open session, the State Human Rights Committee unanimously certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in the closed session.

The SHRC accepted for the files the resignation of Mr. Charles A. Welsh from Valley Community Services Board Local Human Rights Committee.

**The motion was made and unanimously passed to notify the Alexandria CSB LHRC that they are out of compliance and that they must come into compliance as soon as possible with the appointment of two consumer members.**

**The motion was made and unanimously passed to appoint the following applicants to the respective Local Human Rights Committees.**

Rappahannock-Rapidan CSB LHRC

Reappoint:

Mr. Harold McDermott

NOVA Regional LHRC

Appoint:

Mrs. Anna Michelle Petrini

Reappoint:

Ms. Ann E. Pascoe

Southwestern Virginia Training Center

Appoint:

Dr. Ohlen R. Wilson

Mrs. Betty Meredith

Ms. E. Charlotte Barkley

Harrisonburg-Rockingham CSB LHRC

Reappoint:

Mr. Joseph Sharrer

Rappahannock Area CSB

Appoint:

Ms. Karen Dulaney

Ms. Lisa Jean Von Dohlen

Ms. Melissa Papendick

Commonwealth Center for Children and Adolescents

Reappoint:

Ms. Deborah Atno-Shelton

Mr. Daniel P. McCauley

Mr. James Hall

Western State Hospital LHRC

Reappoint:  
Ms. Karen Cochran  
Northern Virginia Hospitals LHRC  
Reappoint:  
Mr. Christopher P. Harrison  
Arlington LHRC  
Reappoint:  
Mr. Michael Callahan  
New River Valley LHRC  
Appoint:  
Mrs. Tina Bell  
Reappoint:  
Ms. Evelyn Gland  
Southwest Regional Human Rights Committee  
Appoint:  
Mr. Randy J. Johnsey  
Ms. Ruth Keene  
Ms. Jean Smith  
Reappoint:  
Mr. Alan Hayden  
Southwestern Virginia Mental Health Institute  
Reappoint:  
Mrs. Claudia Duffy  
Blue Ridge Regional LHRC  
Appoint:  
Ms. Christine A. Montgomery  
Catawba Hospital LHRC  
Reappoint:  
Ms. Reba Keene  
Ms. Courtney Hewitt  
Hanover County CSB LHRC  
Reappoint:  
Mr. Albert Watts  
Southside Virginia Training Center LHRC  
Appoint:  
Mrs. Michelle Johnson  
Reappoint:  
Mrs. Carrie Caine  
Hiram W Davis Medical Center LHRC  
Appoint:  
Mrs. Audrey Hester  
Mrs. Joyce M. Roberts, RN

Mid-City LHRC

Appoint:

Ms. Dani Vedros

Mr. Richard D. Thompson

Reappoint:

Mr. Clifford Hoffman

Southeastern Virginia Training Center

Appoint:

Ms. H. Jane Wiess

Reappoint:

Mr. Daryl W. Wiggins

Southside Regional LHRC

Appoint:

Ms. Lynette Jennings

Piedmont Geriatric Hospital LHRC

Reappoint:

Mrs. Helga Fallis

Mrs. Teresa Keller

Southern Virginia Mental Health Institute

Appoint:

Mr. Gregory T. Casker

**The following reappointments were made with one abstention.**

Rappahannock-Rapidan CSB LHRC

Reappoint:

Mrs. Carole Sue Graves

Region Ten CSB LHRC

Reappoint:

Ms. Alison Hymes

Kirby Wright expressed concern that not all appointment recommendations included interview sheets.

The advocates are to be reminded that they must clearly indicate mandated positions on the LHRC rosters. Advocates must also be mindful of mandated positions when reviewing LHRC applications.

**Having no further business to discuss, the motion was made and passed to adjourn the meeting.**

Respectfully submitted,

Joyce E. Bozeman, Ph.D., Chairperson  
State Human Rights Committee